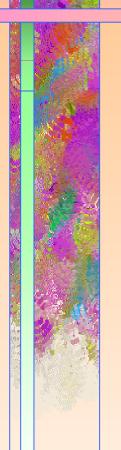
Rulemaking Soil Standards and Risk Mitigation

Tessie Fields

Soil Standards Workshop August 10, 2004



This presentation will cover

- Rulemaking basics
- How the public is given notice of rules
- How the public can comment
- What the Department does with public comments
- How new rules will fit into the existing site remediation process



Brownfield Act

Adopt remediation standards that are protective of human health and the environment for:

- Ground water
- Surface water
- Soil



Rulemaking

- Interested Party Review
- Proposal
- Adoption



The Rulemaking Process

Interested Party Review (Optional)

- Flexible process
- Meetings or workshops
- No formal response to comments
- Input is used to prepare rule proposal



The Rulemaking Process

Formal Rule Proposal

- Notification of Proposal
 - NJ Register
 - Newspapers
 - DEP Web Site
- 30-60 day public comment period
- Public hearing (optional)
- Written and Oral Comments (paper and diskette)



- Department has 1 year from date of proposal to adopt
- Adoption includes
 - Summary of comments
 - Written responses
 - Minor changes upon adoption
 - No substantive changes



Remediation Standards Water Standards

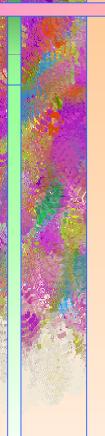
- **Ground Water Remediation Standards** (in Tech Rules NJAC 7:26E-1.13)
 - Based on Ground Water Quality Standards (readoption under development)
- Surface Water Remediation Standards
 (in Tech Rules NJAC 7:26E-1.13)
 - Based on Surface Water Quality Standards (readoption under development)



Remediation Standards

Soil Remediation Standards, N.J.A.C. 7:26D

- New rules under development
- Interested Party Review
- www.state.nj.us/dep/srp/regs/srs/



Interested Party Review Draft Soil Remediation Standards

Information on the web site:

- Introduction
- Master table (the numbers)
- Basis and background documents:
 - Ingestion-dermal exposure pathway
 - Inhalation exposure pathway
 - Impact to ground water pathway



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New Soil Standards
Will Work in Concert with
Technical Rules for Site Remediation
(NJAC 7:26E)



or restricted use)

Protect Non-Residential Use (limited restricted)



Potential Tech Rule Changes

- Include references to the new standards
- New or modified sampling or analytical requirements
- New technical guidance (not in rule)



Types of Remedial Actions

- Limited Restricted Use
 - Deed Notice
- Restricted Use
 - Engineering Controls and Deed Notice

Remediation = Risk reduction

Risk reduction is to protect human health and the environment

Risk = Contaminant + Receptor + Exposure



- Accomplish risk reduction by:
 - Removal of contaminant
 - Treatment of contaminant
 - Exposure control
 - Institutional controls (deed notice)
 - Engineering controls (physical barrier)



- Exposure control
 - Institutional controls (deed notice)
 - Model in Tech Rules, Appendix E
 - Notification
 - Limits site use
 - Engineering controls (physical barrier)
 - Fences
 - Caps
 - Ground water containment



- Institutional and engineering control requirements
 - Notification
 - Monitoring
 - Maintenance
 - Reporting every 2 years



Related implementation issues

When to expect the New Standards?

No sooner then 11/2 years

Implementation

- Ongoing cases?
- Closed cases?
- Use in the interim?



Questions?